

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

**PAUL M. GAYLE-SMITH,
Plaintiff,**

CASE NO. 12-13396 t7

ADVERSARY NO. 12-1330-t

v.

**LINDA WILSON, EDDIE L. WILSON,
POND-S-SCAPES,**

Defendants.

RESPONSE TO ORDER TO SHOW CAUSE

Plaintiff, Paul M. Gayle-Smith, a creditor of the debtors Linda Wilson, Eddie L. Wilson, and Pond-S-Scapes (Defendants or Wilson), files this response to the court's order to show cause entered on February 11, 2013. For the reasons stated herein, the court should not dismiss the above-captioned adversary proceeding despite Plaintiff's failure to appear at a scheduling conference on February 11, 2013. In support of his response, Plaintiff states the following:

1. Plaintiff has never represented anyone in a bankruptcy case and has no experience with filing an adversary complaint.
2. In December 2012, Plaintiff's beloved mother was suddenly and unexpectedly diagnosed with a rare and unknown form of cancer.

3. On December 24, 2012 Plaintiff travelled to his mother's home in New York and remained there for four (4) weeks. Perhaps not surprisingly, Plaintiff's caseload began to backup after just the first week.
4. On December 28, 2012, Plaintiff's mother was hospitalized in terrifying circumstances. She would be hospitalized for eight (8) straight days.
5. On December 28, 2012, the court issued the summons and provided notice of the scheduling conference on February 11, 2013. Plaintiff paid little attention to the summons and did not serve it upon the Defendants, for the reasons stated herein.
6. On February 1, 2013, the Court discharged the debts of the Defendants and closed the case. Plaintiff assumed, incorrectly, that this meant that Defendants' substantial debt to him had been discharged and the claims in his adversary case had been made moot (and the scheduling conference cancelled).
7. Because of his mother's cancer and his backed-up case load Plaintiff did not look into the bankruptcy matter further before the scheduling conference on February 11, 2013.
8. Plaintiff did not serve the summons and believes he has not caused any harm to the legitimate interests of the debtor clients.
9. The Defendants were found to have committed perjury during a deposition and during a hearing on a motion for sanctions and the trial court dismissed their case. Defendants sought bankruptcy just to avoid paying Plaintiff, who was identified as their largest creditor.
10. Plaintiff worked diligently for Defendants for more than five years and will be cheated out of more than \$300, 000.00 if his adversary complaint is dismissed.

11. Defendants committed fraud upon Plaintiff by inducing him to extend credit to them under false pretenses via false representations regarding their assets and intentions. Dismissal of this adversary complaint will result in unjust enrichment to perjurers and wrongdoers.
12. Plaintiff has emailed the summons to Oralia Franco, Defendants' believed counsel, and will serve the summons via certified mail if said counsel does not accept service via email by February 18, 2013.
13. No unfair prejudice will result if the court grants a continuance of the scheduling conference to April 1, 2013.
14. Plaintiff did not intentionally fail to appear at the scheduling conference and meant no disrespect to the court.
15. Plaintiff apologizes to the court for any inconvenience his behavior has caused the court, if any.

RELIEF REQUESTED

Plaintiff respectfully requests that, for the reasons stated herein, the court accept Plaintiff's explanation for his absence from the scheduling conference, excuse his failure to appear at the scheduling conference, and grant him a continuance of said scheduling conference.

RESPECTFULLY SUBMITTED this 15th day of February 2013.



PAUL M. GAYLE-SMITH

Pro se

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Attorney for Plaintiff

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

**PAUL M. GAYLE-SMITH,
Plaintiff,**

**LEAD BANKRUPTCY
CASE NO. 12-13396 t7**

v.

**LINDA WILSON, EDDIE L. WILSON,
POND-S-SCAPES,**

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of February 2013, I filed a copy of the foregoing response via CM/ECF for service on any parties of record.



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